



BOARD OF SUPERVISORS

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COUNTY OF LOS ANGELES DEPARTMENT OF CONSUMER AND BUSINESS AFFAIRS

"To Enrich Lives Through Effective and Caring Service"



Joseph M. Nicchitta
Director

Joel Ayala
Chief Deputy

Rafael Carbajal
Chief Deputy

Hearing Officer/Department of Consumer & Business Affairs

Hearing Date
05/23/2019
Agenda Item No.
4

Transmittal Checklist

Petitioner Name: Juan Arriaga
Case Number: RSQ19-03315
Case(s): IRSO Petition for Noncompliance
DCBA Staff: Shannon Louis

- ☒ Petition Summary
- ☒ Parcel Profile Report (separate attachment)
- ☒ Staff Report
- ☒ Burden of Proof Statement(s)
- ☒ Notice of Increase
- ☒ Rent Receipt

Reviewed By: Dana Pratt



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Case Number
RSQ19-03315

Hearing Date
5/23/2019

PETITION SUMMARY

PETITIONER NAME

Juan Arriaga

PETITION DATE

March 27, 2019

PETITION OVERVIEW

Petitioner has filed a Petition for Noncompliance, requesting a reduction in rent in accordance with the Interim Rent Stabilization Ordinance, Ordinance Number 2018-0045. According to the Notice of Increase, the rent increase was supposed to become effective on April 1, 2019. However, DCBA determined that the rent increase should have gone into effect on April 2, 2019.

PROPERTY ADDRESS

7537 Maie Avenue Los Angeles, California 90001

KEY ISSUES

- Rent was increased from \$730.00 from \$803.00
- Total increase is in the amount of 10.00%
- 60-day notice of rent increase was issued on February 1, 2019
- Per the effective date of the rent increase, both the April and May 2019 rent payments will be due by the hearing date.

STAFF RECOMMENDATION

Approval

DCBA STAFF:

Shannon Louis 213-974-4118 SLouis@dcba.lacounty.gov



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May 15, 2019

TO: Gina Natoli, AICP
Hearing Officer

FROM: Shannon Louis

Case No. RSQ19-03315
Juan Arriaga vs. Alejandro Ortiz-Martinez
Hearing Officer Meeting: May 23, 2019 – Agenda Item: 4

Petition Description

Interim Rent Stabilization Ordinance(IRS) Petition for Noncompliance

Tenant is disputing a rent increase issued for the covered rental unit located at 7537 Maie Avenue Los Angeles, CA 90001 in the unincorporated area of Florence-Firestone in Los Angeles County.

The Petitioner reported receiving a 60-day Notice of Increase on February 1, 2019 increasing the rent to \$803.00, effective April 1, 2019. The Petitioner's base rent on September 11, 2018 was \$730.00 – which constitutes a \$73.00 rent increase. The petition was filed with the Department of Consumer & Business Affairs (DCBA) on March 27, 2019. The Petitioner's Notice of Increase was issued on February 1, 2019 and per California Civil Code Section 827, the rent increase should have become effective on April 2, 2019 – which is 60 days from the issue date, due to the rent increase being 10% or above.

Use Type

Certificate of Occupancy or equivalent was not available

Year Built/Certificate of Occupancy(COO)

1920

Previous Petitions/History

N/A

Staff Evaluation & Burden of Proof

According to Ordinance No. 2018-0045, DCBA has determined that the rental unit located at 7537 Maie Avenue Los Angeles, CA 90001 is covered under the Los Angeles County Interim Rent Stabilization Ordinance and is subject to its conditions.

The IRSO covers residential dwellings on properties with two or more units in the unincorporated areas of Los Angeles County with initial certificates of occupancy or equivalent issued on or before February 1, 1995. **Ordinance No. 2018-0045 Section 1(A) and Section 1(B).**

The IRSO limits rent increases to 3% once per 12-month period and applies to any rent increase taking effect on or after September 11, 2018. **Ordinance No. 2018-0045 Section 3(A).**

The proposed increase in the amount of \$803.00 would increase the Petitioner's rent from \$730.00 to \$803.00 or by 10.00%. According to the ordinance, the tenant's maximum allowable rent would be \$751.90. If approved *and* the tenant has paid the requested increase, the landlord respondent needs to credit the tenant for any overpayments above 3% that have occurred since the rent increase took effect – which would total \$102.20 for the months of April and May 2019. **Ordinance No. 2018-0045 Section 3(A)(1).**

Lump Sum Credit Option

<i>June 1, 2019</i>	<i>\$102.20</i>
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Six Month Credit Option

<i>June 1, 2019</i>	<i>\$17.05</i>
<i>July 1, 2019</i>	<i>\$17.03</i>
<i>August 1, 2019</i>	<i>\$17.03</i>
<i>September 1, 2019</i>	<i>\$17.03</i>
<i>October 1, 2019</i>	<i>\$17.03</i>
<i>November 1, 2019</i>	<i>\$17.03</i>

Proof of Service/Notice of Hearing

The Petitioner, Juan Arriaga, returned the Proof of Service form to DCBA on March 27, 2019. The DCBA sent the Notice of Hearing on May 3, 2019.

Public Comments

N/A

Fees/Deposits

N/A

Landlord Contact

On April 3, 2019, DCBA contacted the landlord respondent counsel the landlord respondent on his rights under Ordinance No. 2018-0045. The call was not answered, and a voicemail was not available.

On May 3, 2019, DCBA mailed the Notice of Hearing to the landlord respondent at 16220 Indian Creek Road Cerritos California, 90703.

On April 11, 2019, DCBA made a second attempt to contact the landlord respondent counsel the landlord respondent on his rights under Ordinance No. 2018-0045. The phone number was disconnected.

On May 8, 2019, DCBA made a third attempt to contact the landlord respondent to counsel the landlord respondent on his rights under Ordinance No. 2019-0045 and to determine if the Notice of Hearing was received. The phone number remains disconnected.

It should be noted that DCBA attempted to retrieve additional contact information including an email address, different physical address, and an updated phone number – for the landlord respondent at every attempt above, but was unsuccessful.

Staff Recommendation

The following recommendation is made prior to the public hearing and is subject to change based upon testimony and/or documentary evidence presented at the public hearing:

Staff recommends APPROVAL of the Interim Rent Stabilization Ordinance Petition for Noncompliance – Case Number RSQ19-03315.

SUGGESTED STATEMENT

I, THE HEARING OFFICER, CLOSE THE PUBLIC HEARING AND FIND THAT THE INTERIM RENT STABILIZATION ORDINANCE PETITION FOR NONCOMPLIANCE – CASE NUMBER RSQ19-03315 IS **APPROVED**, SUBJECT TO THE ATTACHED CONDITIONS.

Suggested Approval Statement

Prepared by Shannon Louis

Reviewed by Dana Pratt

Attachments

Notice of Increase

Initials JMN:DP: sl

(5/15/19)

BURDEN OF PROOF STATEMENT

DCBA Case #

RSQ19-03315

Section IV: Reason for Petition *(explain in detail why you are requesting a hearing)*

LANDLORD IS INCREASING RENT BY 10% NOT THE 3% THAT IS
IN ACCORDANCE WITH THE INTERIM RENT STABILIZATION ORDINANCE
THAT IS IN EFFECT. I BELIEVE THIS IS NOT A SINGLE FAMILY HOME.
THIS IS A MULTI FAMILY HOME. THREE FAMILIES LIVE IN THE FRONT
HOME IN SEPARATED UNITS AND ONE FAMILY IN THE BACK UNIT.
WE ALL HAVE KITCHENS AND RESTROOMS.

IS THIS MATTER URGENT?

☒ Yes ☐ No

REASON FOR URGENCY *(must attach relevant documents in order to be considered):*

RENT WITH NEW INCREASE IS DUE ON APRIL 1, 2019.

Section V: Signature of Petitioner

JUAN ARRIAGA
Petitioner Name (Print)

TENANT
Petitioner Title (Tenant, Landlord, Mobilehome Homeowner or Park Owner)

323-582-5089
Petitioner Telephone Number


Signature

03/27/2019
Date

NOTICE OF INCREASE

Change of Terms of Tenancy

To: Juan Arriaga

Address 7537 Maie Ave., LA CA 90001

This shall constitute formal notice that your monthly rent shall increase to the sum of
\$ 803.00, effective April 1st, 2019.

This notice is in accordance with Civil Code Section 827.

Date February 1, 2019

Landlord/Agent Alejandro Ortiz

(Landlord's- If you are increasing the rent in excess of 10%, 60 days advance notice is necessary.)

This form created by the Law Firm of Dennis P. Block & Associates

Los Angeles 323 938-2868 Encino 818 986-3147 Inglewood 310 673-2996

Orange 714 644-8232 Ventura 805 653-7264 Pasadena 626 798-1014

San Bernardino 909 877-6565

RENT RECEIPTS

RECEIPT

DATE	11-1-18	No.	7979040
RECEIVED FROM	Juan Arriaga	\$	730
Seven hundred thirty-dollars		DOLLARS	
<input checked="" type="checkbox"/> FOR RENT	7537 MANE AVE LA CA 90001		
<input type="checkbox"/> FOR			
ACCOUNT		<input type="checkbox"/> CASH	FROM 11-1-18 TO 11-30-18
PAYMENT		<input type="checkbox"/> CHECK	BY
BAL DUE		<input type="checkbox"/> MONEY ORDER	

LOAD THIS DIRECTION, THIS SIDE UP

RENTA 4-1-19 ALEJANDRO ORTIZ

There's a better way to send cash!
Download the Western Union app and click pay in cash!

AGT 714800 LOG 080000 DT 0330190000 HUNDREDS DOLLARS AND 90CENTS

* 17957872385 *

LOAD THIS DIRECTION, THIS SIDE UP

35-26386787
NOT VALID OVER FIVE HUNDRED U.S. DOLLARS

ALLOWED INCREASE ORDINANCE
NO. 2018-0045

PURCHASER'S COPY
RETAIN FOR YOUR RECORDS

35-26386787
NO. 2018-0045

Pay To **ALEJANDRO ORTIZ**

See Reverse Side For PURCHASER'S INFORMATION and Terms, Information
(Vale Al Dorar Parte El Adquiriente Del Comprobante y Para Informacion del Receptor)

Amount Printed Not Good For Cash
Monto Impreso No Puede Ser Usado Como Efectivo

35-26386788
NOT VALID OVER FIVE HUNDRED U.S. DOLLARS

ALLOWED INCREASE ORDINANCE
NO. 2018-0045

PURCHASER'S COPY
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NO. 2018-0045

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